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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Second periodic reports of States parties*

LUXEMBOURG**

* The present report is being issued as received, without formal editing.

** For the initial report submitted by the Government of Luxembourg, see CEDAW/C/LUX/1.

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INTRODUCTION

On 2 February 1989, Luxembourg ratified the Convention on the Elimination of All Forms of Discrimination against Women, which had been approved by means of the law of 15 December 1988. Pursuant to article 27, paragraph 2, of the Convention, it entered into force in Luxembourg on 4 March 1989.

In January 1996 Luxembourg presented its initial report. This periodic report covers the period from January 1996 to March 1997.

ARTICLE 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Following the Fourth World Conference on Women, held at Beijing in September 1995, the Minister for the Advancement of Women, Mrs. Marie-Josée Jacobs, held meetings with the largest national women's organizations to elicit their suggestions regarding the implementation of the Beijing Declaration and Platform for Action.

A hearing of women's organizations held by the Commission on the Family, Social Solidarity and the Advancement of Women of the Chamber of Deputies, and the subsequent public policy debate on equality in the Chamber of Deputies on 7 March 1996, were among the activities organized as a follow-up to the Beijing Conference. The hearing gave women's organizations an opportunity to air their grievances publicly and to present their proposals for improving the status of women in Luxembourg.[1] It also enabled the officials responsible for

[1] See the report prepared by the Commission on the Family, Social Solidarity and the Advancement of Women for the policy debate on equal opportunity (parliamentary paper No. 4121).

implementing the equality policy to draw on a tremendous store of practical experience.

The reverberations of the policy debate in the national media helped to focus attention on the question of equality between women and men and to enlist public cooperation.

The topics of the debate were drawn from the various sections of the Beijing Platform, namely, women and poverty, education and training of women, violence against women, women and the economy, women in power and decision-making, institutional mechanisms for the advancement of women, human rights of women and women and the media.

During the debate, Minister Jacobs outlined the actions which she intended to undertake or propose in the legislative, social and cultural fields as a follow-up to the Beijing Conference.

She reported that the Grand Duke had given his consent in principle to the ministerial proposal to amend article 3 of the Constitution concerning the hereditary transmission of the crown of the Grand Duchy.

A second hearing of women's organizations was held on 6 March 1997 on the topic of women and employment. A policy debate on that issue will be organized in June 1997.

Mrs. Jacobs instructed the Ministry for the Advancement of Women to draw up a plan of action for implementing the Beijing Platform. The draft plan of action 2000 was reviewed by the Interministerial Committee on Gender Equality and will be submitted to the Council of State in the near future.

Special mention should be made here of the Development Aid Act of 6 January 1996 which, in accordance with chapter VI.C of the Beijing Platform, specifically added the advancement of women to the sectors of intervention towards which Luxembourg's development aid is targeted. With regard to the activities of non-governmental organizations (NGOs), the grand-ducal regulation of 14 February 1997 concerning the co-financing of NGO projects by the Ministry of Foreign Affairs, Trade and Overseas Aid and Development provides that "the threshold of intervention of 300 per cent may be granted to any cooperation project or programme to be carried out by a non-governmental organization in one of the sectors of intervention of the Development Aid Fund provided for in article 4 of the Aid Act of 6 January 1996, in a country receiving development aid from Luxembourg".

ARTICLE 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

The Interministerial Committee for the Advancement of Women, mentioned in the initial report, was established informally in July 1995 as a mainstreaming tool, but was given a regulatory framework in March 1996.[2] The Government's intention was to strengthen this body by conferring on it a mandate and clearly defined powers in pursuance of strategic objective H.1 of chapter IV of the Beijing Platform. The Committee has since been named the Interministerial Committee on Gender Equality.

Under article 4, paragraph 1, of the aforesaid grand-ducal regulation, the Committee will "study all issues relating to equality between women and men and transmit its advice, proposals or suggestions on this subject to the Minister [for the Advancement of Women]".

Article 4, paragraph 2, provides that: "In the context of its mandate, the Committee will be consulted with regard to all draft legislation likely to have an impact on equality between women and men. It will analyse the respective consequences of such legislation for women and men and ensure the use of gender-neutral terminology."

In accordance with article 5 of the grand-ducal regulation, "the members of the Committee will fulfil the function of equality ombudsmen between the ministers of the departments to which they are attached and the Committee. In this capacity, they will receive documents and information relevant to the discharge of their mandate and will disseminate in their ministries such information and suggestions as they deem useful for the achievement of de facto equality between women and men."

By way of example, the Committee discussed: (i) the implementation of the Beijing Platform for Action and the preliminary draft governmental programme of action 1996-2000 for implementing the Platform prepared by the Ministry for the Advancement of Women; (ii) mainstreaming the principle of equality between the sexes; (iii) draft legislative and regulatory measures relating to affirmative action in the civil service, prepared by the Ministry for the Advancement of Women and transmitted to the Ministry of Home Affairs, Civil Service and Administrative Reforms on 1 August 1996;[3] (iv) preliminary draft bills prepared

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[2] By the grand-ducal regulation of 31 March 1996 establishing an interministerial committee on gender equality.

[3] See below under article 4.

by the Ministry for the Advancement of Women;[4] (v) a survey of homemakers organized by the Ministry for the Advancement of Women.

With regard to the draft plan of action for implementing the Beijing Platform, the members of the Committee were requested to complete and/or modify it and to submit it to their respective ministries for review.

The Committee decided to set up subgroups to consider the following themes drawn from the Beijing Platform: poverty, economic structures and policies, education, training and health, environment, violence and armed conflict, decision-making and mechanisms for the advancement of women, and basic human rights.

On 14 November and 5 December 1996, the full and alternate members of the Committee were invited to participate in a seminar entitled "Equal opportunity for women and men", organized on their behalf by the Ministry for the Advancement of Women. The aim of this seminar was, on the one hand, to further raise the participants' awareness of the existing discrimination against women, and, on the other hand, to provide them with tools and strategies for promoting an equal-opportunity policy in the civil service.

Mainstreaming, which means integrating the equality dimension into general policies at all levels, is an important element of both the Beijing Platform and the plan of action 2000. The Government of Luxembourg regards mainstreaming, together with specific policies for the advancement of women, as an essential tool for combating gender inequality.

The Ministry for the Advancement of Women participated in the seminar on mainstreaming organized from 6 to 8 October 1996 by the Presidency of Ireland in collaboration with the European Commission. The seminar participants considered concrete mainstreaming mechanisms with specific reference to employment policies and local initiatives. Practical examples of such mechanisms in the European Union and its member States were given.

The initiative taken by the non-profit association Conseil National des Femmes Luxembourgeoises (National Council of Women of Luxembourg) to promote a communal policy of equal opportunity for women and men, as mentioned in the initial report, has been strengthened. In the meantime, more than 50 communes out of a total of 118 have designated an equality representative, and 6 communes have established a consultative committee. The Ministry for the Advancement of Women partially subsidizes the activities of the Conseil National des Femmes Luxembourgeoises, such as a training seminar for representatives, a public speaking course, a computer training course, biannual consultation meetings, and so on.

In the context of recurrent training courses for communal employees, organized by the Ministry of the Interior, representatives of the Ministry for the Advancement of Women organized four half-day sessions in 1996 to raise awareness of the issue of gender equality and provide information on actions and

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[4] See below under article 11.

projects undertaken by the Ministry for the implementation of a plan of action on equality at the communal level. Some 230 secretaries, editors and clerks were informed about the implementation of an equality policy at the national and communal levels.

Through this initiative, the Ministry for the Advancement of Women sought to support the efforts of the equality representatives, who frequently seek the assistance and cooperation of the administrative staff of their commune.

ARTICLE 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

An initial compendium of proposals for affirmative action in the civil service was submitted to the Council of State on 23 February 1996.

Several consultations were held with the Ministry of Home Affairs, Civil Service and Administrative Reforms and the Union of Civil Servants and Public Employees to discuss the proposals put forward by the Ministry for the Advancement of Women for a change in the status of public employees as regards part-time work, flexible working hours and the preparation of statistics documenting the total number of decision-making posts in the civil service and the share of such posts held by women.

ARTICLE 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

On 2 March 1996 a brochure was distributed to all of the country's households. In addition to containing statistical data on women and men in Luxembourg and texts aimed at raising awareness of equality issues, the brochure called for public participation in the projects undertaken by the Ministry for the Advancement of Women.

One hundred and ten persons expressed interest in participating actively in discussion groups on the following four topics: women and the job market; equal opportunity in education; child care; and combating violence.

Four regional discussion groups (Centre, East, South and West) were established in October 1996 by the Ministry for the Advancement of Women and have been operating independently since then in close cooperation with the Ministry. Their goals include discussing the status of women in the regions and formulating ideas and proposals based on knowledge of the specific needs of the country's different regions. Proposals will be transmitted to the Ministry by the end of the first half of 1997.

In addition, a working group was assigned to prepare a guide to feminine equivalents in the language of Luxembourg (Letzebuergesch) of the most common names, titles, functions and trades. An initial proposal was submitted in December 1996. The group will consult experts in Letzebuergesch with a view to finalizing the draft.

In 1996, as stated in the initial report, the Ministry for the Advancement of Women launched a survey of homemakers, i.e., women who do not work for pay. The aim of this survey is to gather information on their occupations, means of livelihood and aspirations, the obstacles which they face in realizing their aspirations, and their skills and future plans.

This study will have both a qualitative and a quantitative dimension. A German research institute, the Sozialforschungsstelle Dortmund, has been assigned to carry out the qualitative analysis. This will be followed by a quantitative study in 1997-1998.

The Ministry has also completed the project mentioned in the initial report to disseminate the Convention on the Elimination of All Forms of Discrimination against Women in the form of a textbook. In carrying out this project, the Ministry collaborated with outside experts. The book will be used as a supplementary civics text in twelfth-year classes in technical secondary schools and in second-year classes in traditional high schools.

The main objective of this book is to raise young people's awareness of the persisting inequalities in our society as they affect girls and women and to promote the adoption of respectful and egalitarian behaviour towards girls. A second objective is to teach girls about their rights.

In addition, the Ministry for the Advancement of Women has set up an informal group of journalism graduates assigned to: (i) draw up a code of good practices; (ii) analyse women's participation in the media; (iii) analyse women's image in the media; (iv) propose selective intervention; and (v) organize training courses on gender issues for journalists of both sexes.

This group has developed a questionnaire for female and male journalists concerning women's participation and image in the media. Sixty completed questionnaires (about 30 per cent) were returned and will be analysed by an outside expert. The survey was conducted in December 1996 under the auspices of the Press Council.

In preparation for the publication of a code of ethics by the Luxembourg Commission on Ethics in Advertising, the group prepared a draft text dealing with the images of women and men in advertising.

The Ministry for the Advancement of Women signed an agreement with a social and cultural organization known as the Thers Bodé Centre for Information and Documentation Concerning Women (CID). The Centre operates a library whose current holdings comprise 4,400 books, 550 compact discs and 36 periodicals. An archive of articles that have appeared in the press concerning the status of women in Luxembourg is available for on-site consultation. The Centre organizes various activities (seminars, lectures, concerts, etc.) which have as their main goal to promote women's creativity. In 1996, it established a women's music forum, which acquires musical scores by female composers. CID Info, a journal published at least six times a year, reports on cultural and social activities relevant to women in Luxembourg and adjoining areas, and on the development of European projects in the field of gender equality that are being implemented in Luxembourg.

In 1996, the non-profit association Femmes en Détresse, with the support of the Ministry for the Advancement of Women, launched the Medercheshaus (Girls' Home), a project having three facilities, namely, an information bureau, a drop-in centre and a shelter. The Medercheshaus project is aimed at young women from 12 to 21 years of age.

In order to launch the project, Femmes en Détresse organized, from 1 to 12 October 1996, the "Neen as Neen" campaign against the sexual abuse of girls, under the auspices of the Ministry for the Advancement of Women, with

support from the Ministry of the Family, the Ministry of National Education and Vocational Training, the Ministry of Youth Affairs and the Ministry of Justice.

The campaign consisted of: (i) a press conference held at the information bureau on 23 September 1996; (ii) a public round-table discussion entitled "When girls are victims of abuse", held on 14 October 1996; (iii) a training course for psychologists and social workers entitled "Consultation in cases of sexual abuse: crisis intervention", held on 24 October 1996; and (iv) a lecture entitled "'No' is not enough: possibilities and limits of gender-specific measures to prevent sexual abuse", held on 18 November 1996.

Throughout the campaign, the Medercheshaus staff organized workshops on violence and sexual abuse. They visited 15 secondary schools, 3 primary schools, the Higher Institute of Pedagogical Studies and Research and 3 youth centres. The campaign was a great success; numerous organizations requested the Medercheshaus to continue the workshops during 1997.

The objective of the seminars was to prevent violence and sexual abuse; young men and women learned to verbalize their problems and to say no. They were informed about existing outreach structures and assistance.

The Medercheshaus information bureau is open three half-days a week and welcomes young girls who have family or academic problems or who are in situations of physical or psychic distress. It also welcomes the persons whom the girls trust (mothers, friends, relatives). The bureau received 255 telephone calls from January to September 1996.

The drop-in centre offers adolescent girls an opportunity to learn to verbalize their fears, anxieties and other problems.

The shelter was opened in January 1997. A hostel and counselling centre, it welcomes young girls in situations of distress day and night. The counselling staff provides support to girls who are victims of psychic and physical violence. The hostel can accommodate up to 10 residents. The average stay is from three to six months. The Medercheshaus telephone hotline is available 24 hours a day to young girls in crisis.

The pre-school pilot projects announced in the initial report were launched in 1996, and constitute an aspect of the Luxembourg project recognized by the European Commission under the fourth medium-term Union action programme on equal opportunity for women and men (1996-2000).[5]

[5] See below under articles 8 to 10.

ARTICLE 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

A conference on traffic in women organized by the European Commission was held in Vienna on 10 and 11 June 1996. The recommendations made by the various working groups at this conference were incorporated into the European Commission memorandum of 20 November 1996 on traffic in women for purposes of sexual exploitation.

The Presidency of the European Union Council of Ministers, which is held by the Netherlands, took up the issue of traffic in women and prepared a draft European code of conduct for preventing and combating traffic in women, which could be adopted at the ministerial conference on this issue to be held at The Hague from 24 to 26 April 1997. Luxembourg supports this initiative.

ARTICLE 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Under the family compact of the house of Nassau of 30 June 1783, to which article 3 of the Constitution refers, the crown passes to the oldest male descendant in the direct line, to the exclusion of female descendants. For this reason, upon ratification of the Convention on the Elimination of All Forms of Discrimination against Women, the Government entered the following reservation:

> "(a) The application of article 7 shall not affect the validity of the article of our Constitution concerning the hereditary transmission of the crown of the Grand Duchy of Luxembourg in accordance with the family compact of the house of Nassau of 30 June 1783, maintained by article 71 of the Treaty of Vienna of 9 June 1815 and expressly maintained by article 1 of the Treaty of London of 11 May 1867."

The Grand Duke, however, gave his consent in principle to the ministerial proposal to amend article 3 of the Constitution concerning the hereditary transmission of the crown.

From 16 to 18 May 1996, a European conference entitled "Women for the Renewal of Politics and Society" was held in Rome, organized by the Commissione Nazionale per la Parità, Pari Opportunità tra Uomo e Donna, the Presidency of the Council of Ministers, the European Commission, Directorate-General V of the European Union "Unité pour l'Egalité des Chances" and the European network Les Femmes dans la prise de décision. Various workshops were organized on women in power and decision-making in the following areas: European politics; finance; education; public health; justice; social partners; and public administration.

Thirteen women ministers from States members of the European Union, including Mrs. Marie-Josée Jacobs, attended the closing session on 18 May 1996, at which the Rome Charter entitled "Women for the Renewal of Politics and Society" was signed. In the Charter, the ministers: (1) noted that not everyone shared in the benefits of democracy; (2) called for a renewal of politics and society; (3) declared their commitment to supporting equality between women and men as a priority for the European Union; and (4) recognized the need for concrete actions at all levels to promote equal participation by women and men in decision-making in all spheres of society.

ARTICLE 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

ARTICLE 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

ARTICLE 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging co-education and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education, existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

In the context of the European year of lifelong education and learning, the Ministry for the Advancement of Women, in collaboration with the Ministry of National Education and Vocational Training, designed a project entitled "Recurrent training: lifelong learning", which includes the dissemination of a brochure. This brochure, entitled "Recurrent training: preparing for lifelong learning", portrays women who have been involved in recurrent training throughout their lives. The brochure lends itself to reading and discussion of equal opportunity for girls.

As part of this project, a survey was conducted in a technical school in the southern part of the country in order to measure the students' interest in lifelong education and learning and to determine their life goals and attitudes towards the sharing of household and child-care responsibilities between the two sexes.

RESULTS OF THE SURVEY (extracts):

	Total	Men	Women
Do you expect to practise the same occupation throughout your working life?			
Yes	292	166	126
No	110	43	67
How, in your view, should job, household and childcare responsibilities be shared between men and women?			
- The woman works; the man takes care of the household and the upbringing of the children	15	11	4
- The man works; the woman takes care of the household and the upbringing of the children	102	70	32
- The man and the woman both work, but the man also takes care of the household and the upbringing of the children	41	22	19
- The man and the woman both work, but the woman also takes care of the household and the upbringing of the children	34	19	15
- The man and the woman both work and share the household tasks and the upbringing of the children	245	109	136
- The woman works full-time; the man works part-time and takes care of the household and the upbringing of the children	11	7	4
- The man works full-time; the woman works part-time and takes care of the household and the upbringing of the children	81	33	48
- A different model (specify)	1	1	0
- Marriage without children	2	2	0
- Not marrying	3	2	1

In 1996 the project FEM TRAINING NET (Leonardo da Vinci) was launched. The main goal of this project is to establish and develop an educational and training network for girls and women. It follows a bottom-up strategy in that it seeks to establish a basic network of target-group expectations and needs at the national level.

The development of the network is taking place at five levels: (1) definition and follow-up of the needs of potential beneficiaries of the network; (2) preparation and dissemination of information on projects, concepts, meetings and texts relating to training and equal opportunity; (3) lectures and workshops on training and equal opportunity; (4) promotion of gender sensitivity in the training of teachers, trainers and consultants; (5) dissemination of information via the Internet in order to promote access by girls and women to new information technologies.

The FEM TRAINING NET project has contributed to the establishment of a network on education and training of girls and women. The network has an Internet address: http/www.men.lu/eu/FTN/.

In order to be more responsive to the needs of those working in the field, the three national partners - the Ministry of National Education and Vocational Training, the Ministry of Labour and Employment/Employment Administration and the Ministry for the Advancement of Women - conducted a survey of all persons with educational and training responsibilities who could promote equality between women and men in their daily work. The results of the survey were published during the first half of 1997.

The Centre for Information and Documentation concerning Women (CID Femmes) presented the FEM TRAINING NET programme in a special edition of CID Info (June 1996).

Project activities for 1997 include the holding of a seminar on the Internet for women working in public and private institutions, an informational seminar on European programmes to promote equal opportunity between women and men and a seminar on gender sensitivity for teachers, trainers, guides and counsellors.

In the context of the fourth medium-term Union action programme on equal opportunity for women and men (1996-2000), the Ministry for the Advancement of Women submitted a project entitled "Sharing equality". The project was one of 60 European projects selected from among 650 candidates. It has two dimensions, education and training. The lead agency is the Ministry for the Advancement of Women.

The joint partners for both dimensions are:

- The Ministry of National Education and Vocational Training and the Vocational Training Service;

- Non-governmental organizations;

- The trade unions with the largest membership at the national level;

- The "Médias" group;[6]

- The Gleichstellungsstelle der Landeshauptstadt Saarbrücken.

The specific partners for the educational dimension are:

- The communes of Beckerich, Hesperange, Kopstal and Steinsel;

- The Higher Institute of Pedagogical Studies and Research (ISERP).

Those participating solely in the "Equal opportunity training" dimension are:

- The ministries of labour and employment, economic affairs and small business;

- The business chambers (the chambers of commerce, private-sector employees, skilled trades and labour);

- A Belgian non-governmental organization (Christliche Frauenliga).

The project is aimed at promoting equal opportunity in two complementary spheres, namely, education and vocational training and employment and working life, through educational measures in pre-school classes and the development and implementation of a training programme for training managers and/or human resources development managers in the workplace.

The concept of equal opportunity should be instilled in all members of our society at the earliest possible age and in children of both sexes, if we wish to ensure that, later on, these men and women will find an equitable environment at work. This project has a twofold aim; it operates at the preventive level, by starting at the bottom, i.e., in pre-school, and seeks to play a gradually increasing role through training activities geared to people in the midst of their working lives.

In order to avoid endlessly propagating stereotyped images of the roles of men and women in our society, the first dimension of the project seeks to begin in a very specific way by imparting an education which embodies the principles of equal opportunity.

The project is being carried out in 15 pre-school classes in four communes. A multidisciplinary working group under the auspices of the Ministry for the Advancement of Women is preparing teaching modules on the themes of "Mothers' Day", "Fathers' Day", "Skilled trades and professions". A professor at the University of Frankfurt-am-Main, Germany, specializing in gender-sensitive pedagogy, structured the project around conferences and workshops. The first phase of this part of the project, in which teachers, parents, trade unions, local equality committees, communal councils and local associations are involved, consists of preparing modules and testing them in pre-school classes

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[6] See above under article 5.

in the above-mentioned communes, together with local actions (class visits to enterprises, school festivals, book fairs, readings with authors present), and an evaluation of the test results by an outside agency.

The second dimension of the project is aimed at changing attitudes in a specific area of particular importance: the workplace. An equal-opportunity training programme has been prepared for training managers or persons who simply play a key role in human resources management within a firm, a small or medium-sized enterprise, or a large enterprise. Phase I is targeted specifically towards employers and training managers of enterprises who submitted their candidatures in the context of the female enterprise award of 1996. They were offered a chance to participate in free training. This phase consists of preparing modules, testing them and having them evaluated by the target sample.

The pursuit of this dual strategy is the crux of the programme of action as defined by the policy for the advancement of women in Luxembourg; education, training and the workplace are the focal points of this policy.

"Sharing equality" is the starting-point for mainstreaming equal opportunity into both municipal policy and working life. Specifically, the first dimension of the project begins with four communes, their communal councils, local equal-opportunity committees and local associations, and is targeted to girls and boys in pre-school. Through contact with their social environment, these children will, in turn, produce a ripple effect. This ripple effect will be further strengthened through the direct involvement of parents at an early stage in the implementation of the project.

The second dimension of the project, based on the same philosophy, is aimed initially at enterprises motivated by the trend towards equal opportunity. These are enterprises concerned with conveying an image of broad-mindedness, probably because their customers are mainly women. Providing them with training in the area of equal opportunity between men and women will also be aimed at proving to them that "quality" rhymes with "equality".

Among the principal methods to be utilized by the project are: (i) preparation of teaching aids; (ii) preparation of training modules; (iii) discussion groups; (iv) articles in specialized and general-interest publications; (v) an informational newsletter; (vi) seminars; (vii) progressive self-evaluation; and (viii) outside evaluation.

The transnational work envisaged with a Belgian non-governmental organization (Christliche Frauenliga) and the Gleichstellungsstelle der Landeshaupstadt Saarbrücken will have two aims: first, the exchange of methodologies and teaching aids and their adaptation to national, regional and local situations, and, secondly, the participation of students (future teachers) and, possibly, experienced teachers in transnational training. In the medium term, the idea is to achieve a transnational focus on the issue of equal opportunity between men and women by utilizing the existing ties between twin communes.

ARTICLE 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction;

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

In 1996 the Ministry for the Advancement of Women published 10,000 copies of a brochure entitled "Putting equality into practice - working together" with the aim of improving the dialogue between women and men in the workplace. The brochure is addressed to all employees, female and male, in the public and private sectors. It is a tool that can be used by anyone with an interest in promoting balanced and harmonious personnel management.

The brochure is intended to make enterprise directors and personnel managers aware of the need to hire women and to appreciate the skills of women re-entering the job market after a period devoted to the upbringing of their children. Women bring with them different skills, new approaches and another type of expertise that can contribute to the growth of any enterprise. What is needed is to recognize the differences and view them as complementary and conducive to a good atmosphere within the enterprise and to its profitability.

The brochure provides an overview of the legal framework in the area of equal pay and treatment for women and men and of the different regulations concerning leave. In the last chapter, readers can find useful addresses for obtaining legal information, job training and reintegration, and child care.

As mentioned in the initial report, a female enterprise award was established in 1993 on the initiative of the Minister of Labour and Employment, in order to encourage enterprises to take innovative steps towards employing women.

The Ministry for the Advancement of Women decided to award the female enterprise award of 1996, in the sum of 500,000 Luxembourg francs, to those enterprises offering young girls the best opportunities for guidance, support, information and infrastructure and, possibly, a promise of post-training employment. In the context of the European year of lifelong education and learning, one of the goals of which is to link schools and enterprises, the Ministry for the Advancement of Women sought by this means to reward the efforts of enterprises which offered young girls the possibility of an apprenticeship or an internship in their workplaces.

Education and training have always been determinants of equal opportunity. The educational systems have played a basic role, first in the emancipation, and later in the social and professional advancement of women. Educational efforts can and should contribute to the necessary equality between men and women. It is especially necessary to make girls aware of the importance of thorough training in order to facilitate their access to and participation in the job market.

Apprenticeships and all alternate forms of training provide young people with both the requisite knowledge and an experience of life and work in an enterprise. By facilitating their first contact with the world of work, such training gives them significant advantages when it comes to entering the job market successfully, and encourages them to acquire new knowledge throughout their lives.

The jury for the female enterprise award was composed of representatives of the Ministry for the Advancement of Women, the Ministry of National Education

and Vocational Training, the Ministry of Labour and Employment, the Ministry of Economic Affairs, the Ministry of Small Business, the Chamber of Skilled Trades, the Chamber of Private-Sector Employees, the Chamber of Commerce and the group Petra L7 "Technik fir Medercher" (technical training for girls) of the Technical Lyceé of Arts and Trades.

The award ceremony was held in early May 1996 in the context of the Industry and Crafts Week, an exposition mounted by the Chamber of Skilled Trades as part of the European year of lifelong education and learning.

The prize was awarded to two enterprises in the small- and medium-sized sector. These enterprises had been particularly involved in training young girls and women. They had encouraged many of them to open their own businesses. The prizewinners were a hairdressing salon and a beauty institute.

The two prizewinners had been remarkably supportive of their apprentices in their steps towards professional and personal independence. In awarding the prize to two enterprises in fields regarded as typically female, the Ministry for the Advancement of Women sought to highlight the training opportunities in these sectors, which offer future-oriented vocational and personal prospects to young girls and women. Both the hairdressing salon and the beauty institute stated that they had invested 250,000 Luxembourg francs, respectively, in training their apprentices.

On 21 November 1996, a draft bill establishing an equality representative in enterprises of a certain size - that is to say, the draft bill amending (1) the amended Act of 18 May 1979 constituting a reform of staff committees, and (2) the amended Act of 6 May 1974 establishing joint committees in private enterprises and organizing the representation of employees of public companies, drawn up by the Ministry for the Advancement of Women - was submitted to the Chamber of Deputies.

The main elements of this draft bill can be summarized as follows:

(a) The draft bill establishes an equality representative in enterprises which employ at least 15 workers, whether of the same sex or of different sexes, using the legal framework of the amended Act of 18 May 1979 constituting a reform of staff committees.

(b) The designation of the equality representative is entrusted to the staff committee, which can choose one of its members, or, in the absence of a candidate, one of the other workers in the firm. This procedure is modelled on the one currently established by the Act of 18 May 1979 for the selection of the safety representative.

(c) The equality representative is responsible for defending equality of treatment for female and male employees within the enterprise in terms of access to employment, job training and promotions, as well as pay and working conditions.

(d) To this end, the equality representative is granted, within his or her area of competence, powers, means and protection similar to those enjoyed by the

staff committee as a whole. These include the power to submit individual and collective claims to the employer and to refer them, where necessary, to the Inspectorate of Labour and Mines. The representative is given paid time off from work, training leave, protection against dismissal, and so on.

In addition, the equality representative is specifically authorized to organize staff awareness-raising campaigns and to draw up an affirmative-action plan to eliminate the de facto inequalities observed in the enterprise.

Moreover, the amended Act of 6 May 1974 establishing joint committees in private enterprises and organizing the representation of employees of public companies has been amended to ensure respect for the principle of equality between women and men with regard to decisions and views adopted by joint enterprise committees.

The proposal has been made to insert in this Act a specific reference to the principle of equality of treatment for women and men as regards access to employment, job training, promotions, pay and working conditions, and to stipulate therein the obligation for staff representatives on joint committees to inform the equality representative of any decisions that are particularly liable to have an impact on equal treatment, such as those establishing general selection criteria with regard to hiring, promotion, transfer, dismissal, and so on.

In early 1997, the post of women's affairs ombudsman was established within the Employment Administration, with a mandate to address all matters and problems arising within the Employment Administration which are of particular concern to women.

On the initiative of the Minister for the Advancement of Women and the Interministerial Committee on Gender Equality, an interministerial discussion group on women and employment was launched in early 1997.

The goals of this group, whose work is part of the efforts to implement the Beijing Platform, are to: (a) document women's participation in the job market; (b) propose alternative methods of child care; (c) determine the needs for initial and continuing training; (d) discuss an adjustment of working hours; (e) propose strategies for integrating and reintegrating women into the job market; and (f) determine the obstacles which women face in the workplace.

The primary task of this group is to gather and compile a very broad range of statistics on female employment. What is needed is to determine the ratio of women to men in various sectors of activity, the number of women and men working part-time, the percentage of women earning the guaranteed minimum wage, and so on. The group will submit strategies for the concrete implementation of Chapter IV.F ("Women and the economy") of the Beijing Platform.

With regard to the harmonization of personal and working lives, it should be noted that negotiations over the application in Luxembourg of European Council directive 96/34/CE concerning the framework agreement on parental leave are taking place between the social partners at the national level. As a reminder, this framework agreement recognizes the non-transferable individual

right of both the father and the mother to three months of parental leave in order to care for a child up to a certain age.

Nevertheless, a draft bill concerning the establishment of family leave,[7] drawn up by the Ministry for the Advancement of Women, was submitted to the Chamber of Deputies on 7 March 1996.

This draft bill seeks to authorize persons engaged in paid employment and caring for a child under 12 years of age to take initial emergency measures on the child's behalf in the event of sickness, accident or other compelling circumstances involving the child's health or well-being. To this end, the draft bill grants to such persons, under certain circumstances, a period of special leave wholly financed by the State.

For a two-parent household in which both parents meet the requirements, and for a single-parent household, the maximum period of special leave is 16 hours per household per year for families with one child, 24 hours for families with two children and 32 hours for families with three or more children. In a two-parent household, the leave is shared between the two partners and may not be transferred from one to the other.

If the family leave beneficiary works part-time, the leave period will be adjusted proportionally.

In situations of exceptionally serious threats to a child's health, the Minister for the Advancement of Women may extend the period of special leave.

Family leave should normally be taken in four-hour segments. In order to ensure accountability on the part of special leave beneficiaries, the draft bill provides that a four-hour period of special leave should be followed by an equal period of recreational leave, so that special leave and recreational leave are taken alternately.

Moreover, the Government decided on 22 February 1997 to undertake a survey of public employees' views and preferences with regard to an adjustment of working hours. The results of this survey will guide the Government in making new proposals concerning working hours in the context of affirmative action and administrative reform measures in the civil service.

With regard to special protection for pregnant women in the workplace, it should be noted that on 18 February 1997, the Minister for the Advancement of Women submitted a draft bill aimed at implementing Council directive 92/85/CE of 19 November 1992 concerning measures to improve the workplace safety and health of women during pregnancy, confinement and lactation.[8]

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[7] Draft bill No. 4142.

[8] See draft bill No. 4278 constituting an amendment to (A) the Act of 3 July 1975 concerning: (1) protection of the maternity of working women; (2) an amendment to article 13 of the Social Insurance Code, as amended by the Act of 2 May 1974, and (B) article 25 of the Social Insurance Code.

ARTICLE 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

In 1996 the Ministry of Health, in collaboration with the Ministry for the Advancement of Women, organized a broad awareness-raising campaign concerning mammography as a means of early detection of breast cancer among women aged 50 and older. In obtaining co-sponsorship of this campaign, the Ministry for the Advancement of Women sought to make health issues an important element of national and local policies on equality and to provide women with the maximum amount of information about their health. Thus, information meetings were organized in collaboration with local equality representatives; they were highly successful, especially in the cities of Differdange and Wiltz.

Information was provided on changes in the female body after menopause, cancer risks, life before and after surgery, the national mammography programme, daily personal care and nutrition.

The Ministry of Health and the Ministry for the Advancement of Women prepared a framework programme applicable to all regions of the country. The campaign extends from October 1996 to May 1997.

ARTICLE 13

1. States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

ARTICLE 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

ARTICLE 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

ARTICLE 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Upon ratification of this Convention, Luxembourg entered a reservation with regard to the choice of a child's family name. This reservation is not expected to be withdrawn during the current legislative session.

DOCUMENTATION

- Parliamentary paper No. 4121: Policy debate on equal opportunity

- Parliamentary paper No. 4240: Draft bill amending (1) the amended Act of 18 May 1979 constituting a reform of staff committees, and (2) the amended Act of 6 May 1974 establishing joint committees in private enterprises and organizing the representation of employees of public companies

- Parliamentary paper No. 4142: Draft bill on the establishment of family leave

- Draft bill constituting an amendment to (A) the Act of 3 July 1975 concerning: (1) protection of the maternity of working women; (2) an amendment to article 13 of the Social Insurance Code, as amended by the Act of 2 May 1974, and (B) article 25 of the Social Insurance Code

- Development Aid Act of 6 January 1996

- Grand-ducal regulation of 31 March 1996 establishing an interministerial committee on gender equality

- Fem-Training-Net: Analysis of replies to questionnaire

- Brochure entitled "Fraën a Männer si gläich - Vivons l'égalité entre hommes et femmes" (Putting equality into practice)

- Fourth medium-term Union action programme on equal opportunity between women and men (1996-2000): Luxembourg project entitled "Partageons l'égalité - Gläichheet delen" (Sharing equality)

- Brochure entitled "Formation? Continue! Bereet sin e Liewe laang ze léieren" (Recurrent training: preparing for lifelong learning)

- Brochure entitled "Vivons l'égalité, travaillons ensemble" (Putting equality into practice: working together)